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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

## OAKLAND DIVISION

14 SIERRA FOREST LEGACY, SIERRA ) CASE NO: C 07-2646 SBA  
15 CLUB, EARTH ISLAND INSTITUTE, )  
16 and CALIFORNIA NATIVE PLANT )  
17 SOCIETY, non-profit organizations, )  
18 Plaintiffs, )  
19 v. )  
20 BERNARD WEINGARDT, in his official )  
21 capacity as Regional Forester, Region 5, )  
22 United States Forest Service, EDWARD )  
23 COLE, in his official capacity as Forest )  
24 Supervisor, Sierra National Forest )  
25 United States Forest Service, ABIGAIL )  
R. KIMBELL, in her official capacity as )  
Chief of the United States Forest Service, )  
and UNITED STATES FOREST )  
SERVICE, an agency of the United States )  
Department of Agriculture, )  
Defendants. )  
\_\_\_\_\_  
)

1 Pursuant to Civ. L.R. 7-3(d), Defendants hereby give notice of recent authority relevant  
2 to their pending motion to transfer venue in the above captioned action. In Center for Biological  
3 Diversity and Pacific Environment v. Kempthorne, No. C-07-0894-EDL, slip op. (N.D. CA. July  
4 11, 2007), the Court granted the Government's motion to transfer a case challenging a Fish and  
5 Wildlife Service decision from the Northern District of California to the District of Alaska. The  
6 Court found transfer appropriate because, *inter alia*, the challenged decision would most effect  
7 residents of Alaska, and the interest in having "localized controversies decided at home,"  
8 outweighed plaintiffs' choice of forum. Id. at \*8. In this case, Defendants have argued that  
9 transfer to the Eastern District of California is appropriate in part because the land and interests  
10 most affected by the Kings River Project are all located in the Eastern District. See Docket No.  
11 19 at 3. A copy of the decision is attached.

12 Respectfully submitted this 18th day of July, 2007,

13 RONALD J. TENPAS  
14 Acting Assistant Attorney General  
Environment & Natural Resources Division

15 /s/ Barclay Samford \_\_\_\_\_  
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